

**BRIGHAM CITY PLANNING COMMISSION MEETING
TUESDAY, MARCH 20, 2007 – 6:30 PM
BRIGHAM CITY COUNCIL CHAMBERS**

PRESENT:	Kevin Lane	Chairman
	Reese Nielsen	Vice-Chairman
	Joan Peterson	Commissioner
	Barbara Poelman	Commissioner
	Miles Brown	Alternate
CITY STAFF:	Mark Teuscher	City Planner
	Eliza McGaha	Administrative Secretary
EXCUSED:	Steve Hill	City Council Liaison
	Patti Ellis	Commissioner
	David Hipp	Commissioner
	Bill McGaha	Commissioner

AGENDA

WORK SESSION – AGENDA REVIEW

REGULAR MEETING

PLEDGE OF ALLEGIANCE

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

APPLICATION #2895 / PUBLIC HEARING / TO RECEIVE INPUT RELEVANT TO AN AMENDMENT OF GEORGIA ESTATES SUBDIVISION, LOTS 2 & 3 / 800 WEST 1075 SOUTH / DAVID M. FAERBER

APPLICATION #2896 / PUBLIC HEARING/ TO RECEIVE INPUT RELEVANT TO AN AMENDMENT OF BRIGHAM INTERMOUNTAIN DEVELOPMENT, PLAT E / 800 SOUTH MAIN STREET / BANK OF UTAH

~~**APPLICATION #2908 / CONDITIONAL USE PERMIT – RESIDENTIAL TREATMENT FACILITY / 950 WEST 58 SOUTH & 950 WEST 62 SOUTH / TRIUMPH YOUTH SERVICES**~~

APPLICATION #2886 / CONTINUATION / PLANNED UNIT DEVELOPMENT SUBDIVISION – PRELIMINARY PLAT / 815 NORTH 100 EAST / JOHNNY HULSE

~~**APPLICATION #2903 / CONTINUATION / CONDITIONAL USE PERMIT – HOME OCCUPATION / 285 EAST 900 N / SMITH EXCAVATION**~~

APPLICATION #2898 / CONTINUATION / AMEND THE GENERAL PLAN MAP FROM INDUSTRIAL/MIXED USE/OFFICE TO RESIDENTIAL LOW DENSITY / 1000 WEST 400 SOUTH / R. C. GARDNER DEVELOPMENT INC., KEB INVESTMENT

APPLICATION #2881 / CONTINUATION / CHANGE ZONING DISTRICT FROM A-5 (AGRICULTURAL DISTRICT) TO R-1-8 (RESIDENTIAL SINGLE-FAMILY DISTRICT) / 1000 WEST 400 SOUTH / R. C. GARDNER DEVELOPMENT INC., KEB INVESTMENT

APPLICATION #2865 / KOTTER CANYON ESTATES SUBDIVISION / DISCUSSION OF OFF-SITE PUBLIC IMPROVEMENTS ON 1500 NORTH STREET

APPLICATION #2882 / ZONING ORDINANCE / REWRITE REVIEW

PUBLIC INPUT:

DISCUSSION:

REGULAR MEETING

Chairman Lane opened the meeting at 6:36 p.m. Mark Teuscher led the Pledge of Allegiance.

MOTION: A motion was made by Commissioner Nielsen to amend the agenda to remove the approval of the March 06, 2007 work session and regular meeting minutes. The motion was seconded by Commissioner Poelman and the motion passed unanimously.

APPLICATION #2895

This is a request to approve an amendment of Georgia Estates. This will consolidate lots 2 and 3 into one parcel that will be identified as lot 1. The previous lot 1 has been vacated out of the subdivision as part of the Silver Pointe P.U.D.

MOTION: A motion was made by Commissioner Nielsen to open the public hearing for application #2895. The motion was seconded by Commissioner Peterson and the motion passed unanimously.

There was no public input.

MOTION: A motion was made by Commissioner Peterson to close the public hearing for application #2895. The motion was seconded by Commissioner Nielsen and passed unanimously.

MOTION: A motion was made by Commissioner Nielsen to forward application #2895 to the City Council with the recommendation to approve amendment 1 of the Georgia Estates Subdivision under the stipulations that it comply with Utah Code 10-9a-608 and it comply with Chapter 25 Subdivision Ordinance and comply with all Staff and Engineering comments; based on the findings of fact that the applicant shall comply with the noted Code and Subdivision Ordinance and that such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and that such use is in compliance with the General Plan. The motion was seconded by Miles Brown and the motion passed unanimously.

APPLICATION #2896

This is the 6th Amendment of lot 2 of the Brigham City Development, Plat E. This was done a number of years ago and it holds a number of cross-easements. Bank of Utah owns Lot 8, of another subdivision, and Lot 6a. The bank sits on lot 8. They are intending to expand into lot 6a and would like to consolidate the pieces to form one large lot 6a as part of this subdivision. Cross-easements on lots 9 and 10 will be removed. The cross-easements were originally intended for ease of moving between parcels in the event of future development but development has proceeded differently than the original conception. Staff has no problem removing these easements.

MOTION: A motion was made by Commissioner Nielsen to open the public hearing for application #2896. The motion was seconded by Commissioner Poelman and the motion passed unanimously.

Tom Shaw from the Bank of Utah came forward. He stated that they have outgrown their existing facility and acquired the property to the south; realizing the need for expansion. They have designed plans to build onto their existing facility which will allow them to not only expand the building but increase the available parking to the south.

MOTION: A motion was made by Commissioner Nielsen to close the public hearing for application #2896. The motion was seconded by Commissioner Poelman and passed unanimously.

MOTION: A motion was made by Miles Brown to forward application #2896 to the City Council with the recommendation for approval based on the findings of fact that the applicant shall comply with Utah Code 10-9a-608, Brigham City Code Chapter 25 Subdivision Ordinance and that such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and such use is in compliance with the General Plan and applicant will comply with Staff comments. The motion was seconded by Commissioner Peterson and the motion passed unanimously.

APPLICATION #2908

This application was withdrawn.

APPLICATION #2886

This is a continuation. The applicant received a variance from the Appeal Authority. All of the previous issues have been resolved. The issue of brick or stucco being put on the building will be resolved with Staff.

MOTION: A motion was made by Commissioner Poelman to forward application #2886 to the City Council with the recommendation for approval based on Staff recommendations and the stipulation that it will comply with the Staff evaluation, Chapter 25 Subdivisions and based on findings of fact that the applicant will comply with the Staff evaluation and such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and such use is in compliance with the Brigham City General Plan. The motion was seconded by Commissioner Peterson and the motion passed unanimously.

APPLICATION #2903

This application was withdrawn.

APPLICATION #2898

This proposal is from Gardener Development; who is representing a number of property owners. This item was continued because of issues dealing with adjacent property. The Staff and the developer have met with the adjacent property owner Mr. Leroy Kapp. Both parties have met with Staff and have recommended some changes. Mr. Kapp had ~~not~~ no problem with the proposed changes of an area of medium density and the remainder of Mr. Kapp's piece of property will be included in the West Forest General Plan. The railroad tracks segregate the areas of low and medium density. Mr. Kapp and Gardener Development are willing to work together in the medium density to develop something that is consistent so there would not be an undevelopable strip of land left over.

Commissioner Nielsen commented that this looked like it did not address the issues of having the low density area right next to what could be an industrial area. The West Forest plan anticipates a residential development in the mixed use area. That area is changing and evolving. It is recommended that the zoning be put into a P-district (planned) which will give Staff more flexibility to build buffers into that zone. Currently, there is not a buffering zone. There was concern about industrial vehicles mixing in the residential neighborhood. Specific requirements could be put into a planned district as far as construction goes for isolation of sound and such. The originally proposed zoning and what Staff is recommending is different. Staff recommends medium and low density and the zoning become a P-district. A P-district would force the developer to recognize the adjacent uses in order to accommodate the different uses.

Paul Jones, with PJT LLC trucking firm, came forward. He stated that his business operates 24-hours a day, 7-days a week. They purposely sought out that area to avoid being in conflict with a residential area. He does not have any other parking options other than what they currently have. They have various uses of their own trucks and trailers that are often loaded on Friday and sit all weekend long waiting to be taken out. They run on and off all through the weekend. He does not want to be forced, in the future, to do something that would put his business in jeopardy.

Scott and Preston Gardener with Gardener Development came forward. He was concerned about the delay in the process by continuing this application. The issue with Mr. Kapp's property has been taken care of and asked if there was anything additional that was needed from Gardener Development. The Planning Commission would like to see how this proposal is integrated with the General Plan and the surrounding proposals. A P-district would become more of a negotiated zoning district where densities could be shifted as to not conflict with the existing businesses. That can all be negotiated and worked out.

Leroy Kapp came forward. He stated that he would like his property, north of the Gardener property, to be included in the zoning change request.

MOTION: A motion was made by Commissioner Poelman to continue application #2898 to the April 03, 2007 meeting. The motion was seconded by Miles Brown.

Discussion: Commissioner Nielsen suggested that the revised request for the way the General Plan is to be amended versus the previous request come back to the Commission as one package as opposed to the comments from the previous package. Not that there is any significant opposition, only to have a comprehensive package that has backup and justification. Commissioner Poelman moved to include Commissioner Nielsen's comment in her motion and was seconded by Miles Brown. The motion passed unanimously.

APPLICATION #2881

This application goes with #2898 and should be continued as well.

MOTION: A motion was made by Commissioner Nielsen to continue application #2898 until the April 03, 2007 meeting. The motion was seconded by Commissioner Poelman and passed unanimously.

APPLICATION #2865

The City Council recommended the use of impact fees to pay for sewer to reimburse the developer for off-site improvements for system development of sewer and storm water. Staff has asked to extend sewer and storm water lines down 1500 North to connect into the North Forty Subdivision. This will eliminate the need for a lift station on Main Street that would extend south and anticipates the larger capital improvement plan of storm water that will be extended down 1500 North and sewer that will also go down 1500 North and tie into a major lift station. At the last meeting, a development agreement was discussed. Staff recommends improving the road, as it is proposed, with the use of the development agreement to anticipate future widening when that land becomes available.

Commissioner Poelman commented that 26-feet seemed too narrow for a road in that area. Mr. Teuscher stated that unless there is a way to get the property owners to the south to provide the developer the property, there is nothing else the City can do other than install what can be installed. It is a sufficient road for two travel lanes that meet American Association of State Highways and Transportation Officials (AASHTO) standards. The use of a development agreement is within our Ordinances and allows for this. It has been done on other pieces where property owners are not able to acquire the property. This was done on the RTC, in the Kirk Nelsen Subdivision; a half-street was done because they were unable to acquire the property from the adjacent land owner.

There is concern that the smaller road would become the main thoroughfare and it would be a hazard because of the narrowness of the road. This is a development out on the fringe of the City and there are adjoining properties that are undeveloped. The Code sets up multiple options and the principal option is to develop a full road right-of-way but in cases where there are difficulties such as this, the Code makes provisions and under these unique circumstances those provisions require a minimum of two accesses and this developer is meeting that standard. Staff and the City Attorney have not had sufficient time to review this as of yet. The road is the primary issue to resolve. The other issue is, there are some small things in the P.U.D. that need to be reviewed. The design is to have curb and gutter on the north side. It is not anticipated to install sidewalk at this point. There is no curb and gutter on Main Street. The power poles will sit in the curb and gutter. The smallest point is 29.35-feet and at the intersection there is 32-feet. There will be installed a cement lip and the design of the road will shift the center more to the south so the runoff flow will flow back to the curb and gutter and flow out to the storm water system. As the road develops to a full 66-feet, there will be an offset crown.

Greg Hansen, Hansen & Associates, came forward. He stated that the width of the road is only temporary and will, in the future, be made into a full 46-foot wide road, from back of curb and gutter to back of curb and gutter. In comparing this road to any other road in the City, from back to back, it is 39 to 40-feet which has 35-feet of paving. It also allows for parking on either side of the road which takes off 18-feet of driveable surface which leaves 17-feet of driveable surface on regular city streets. That is being exceeded in this proposed subdivision. Staff is recommending approval of this layout because of what the traffic study has shown, which is a low number. The negotiations with the property owners have been going on for two-years. There will not be any on-street parking allowed on the last 300-foot section of the road. The actual paved surface will be 26.5-feet; the city standard for a street is 26. In a regular Brigham City street, there is 35-feet of paving that allows parking on either side. Parking will not be allowed on either side of the last 330-foot stretch of road coming on to Highway 89.

Bliss Law came forward. He stated that, in his memo to the Planning Commission, he referenced that the hazardousness of the road is not only the width of the road but the entrance onto the highway. He goes in and out of that area just about every day and traffic can be hazardous and there have been some accidents in that area.

Mr. Teuscher stated that the intersection will be the responsibility of the Utah Department of Transportation (UDOT); they will tell the City what they expect to be done at that intersection. Hansen's has submitted a traffic study and design to UDOT and are waiting for them to make some recommendations. UDOT has been asked to look into reducing the speed limit on the highway because of the proposed development and they have denied that request.

Chairman Lane said this developer has done everything they have been asked to do and everything they can to try and make this road. The land north may or may not get developed and at that time the road will go in but the process has to start at some point.

Commissioner Nielsen commented that he would like the Staff to work with the developer to come to an agreement that is satisfactory to both parties before coming back to the Planning Commission; the other Commissioners were in agreement. Mr. Teuscher recommended continuing this application until the May 1, 2007 meeting.

MOTION: A motion was made by Commissioner Nielsen to continue application #2865 until the May 1, 2007 meeting. The motion was seconded by Commissioner Poelman.

DISCUSSION: Commissioner Nielsen recommended that all the Commissioners review this and provide any comments they have, with respect to this, to Mark within a week's time. The amendment to the motion was seconded by Commissioner Poelman and passed unanimously.

APPLICATION #2882

This is the first nine chapters of the Zoning Code rewrite. This includes all the administrative sections, two reserve chapters that are blank for the purpose of adding anything additional that may be needed, a new schedule of uses which includes all the zones that have been taken out including the redundancy and inconsistencies between zones and it also includes the sensitive overlay zone. The current zone identification will be retained until such time those zones are changed and will also be zoned in accordance with the General Plan. The R-1-8, R-1-10, R-M-7 and the R-M-15 zones will be done away with and replaced. The uses, however, may not change but the designations will change along with the zones.

In the sensitive overlay section, as development occurs in one of those locations, identification can be made based on the criteria and the map. The map is a fairly rough draft. Parcels have not been added, to limit confusion but it shows all the sensitive areas that could have a natural hazard take place within the city. Mr. Teuscher stated that he would like to schedule a public hearing on these sections for April 17, 2007. The remaining sections will be recotified because these sections will replace other sections and all the other remaining sections will be renumbered to fit into the new structure of the Zoning Code. A table of contents can be created for this.

MOTION: A motion was made by Commissioner Nielsen to continue application #2882 until the April 17, 2007 meeting and to direct Staff to plan for a public hearing on this item. The motion was seconded by Commissioner Poelman and passed unanimously.

PUBLIC INPUT:

There was no public input.

DISCUSSION: Commissioner Poelman asked Mr. Teuscher if Johnson's was okay and said that he indicated the other gravel pit was going to be limited in the time they are able to operate. Mr. Teuscher replied that he anticipated they will have some limitations placed on them based on their air quality permit. He does not know when that will happen. The Mayor did sign LeGrand Johnson's conditional use permit and it has been recorded. Chairman Lane commented that he had signed the plat. The escrow of \$100,000 is in place. The State Engineer has given them the right to drill a well.

Discussion turned to the new strip-mall development on 1100 South. Mark indicated that some of the new tenants will be Dollar Cuts and Easy Loan.

Mr. Brown asked about the financial disclosure statement and what needs to be done about that. Mr. Teuscher said he would check with Sharon Brailsford and get back to them on it. Commissioner Nielsen suggested that Ms. McGaha send them out an email with that information.

Mr. Brown said he is going to be taking a class which will be held on Tuesdays and he was wondering about his absence during the Commission meetings because he does not want to resign. Mr. Teuscher said that would not be a problem and asked the Commissioners if they had any suggestions for possible additional alternates to suggest to the Mayor. Commissioner Poelman suggested Royce Searle. Any other suggestions should be made to Mark and he will get them turned in. Commissioner Nielsen suggested considering those people who apply for the vacant City Council position.

MOTION: A motion was made by Commissioner Peterson to adjourn. The motion was seconded by Commissioner Nielsen and the motion carried unanimously.

Meeting adjourned at 7:57 p.m.

This certifies that the regular meeting minutes of March 20, 2007 are a true and accurate copy as approved by the Planning Commission on July 03, 2007.

Signed: _____
Jeffery R. Leishman, Secretary